



Entered on Docket
April 13, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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Attorneys for Secured Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF STRUCTURED ASSET
MORTGAGE INVESTMENTS II INC. BEAR STEARNS MORTGAGE
FUNDING TRUST 2007-AR5 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-AR5

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

GEORGE M. DINGLER,

Debtor(s).

Bankruptcy Case No. BK-S-10-17612-lbr
Chapter 13

WELLS FARGO BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF
STRUCTURED ASSET MORTGAGE
INVESTMENTS II INC. BEAR STEARNS
MORTGAGE FUNDING TRUST 2007-
AR5 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-AR5'S
ORDER TERMINATING AUTOMATIC
STAY

Date: April 6, 2011

Time: 10:30 a.m.

1 A hearing on Secured Creditor Wells Fargo Bank, National Association as
2 Trustee for the certificateholders of structured asset mortgage investments II Inc. Bear Stearns
3 Mortgage Funding Trust 2007-AR5 Mortgage Pass-Through Certificates, Series 2007-AR5's
4 Motion for Relief From the Automatic Stay came on regularly for hearing in the United States
5 Bankruptcy Court before the Honorable Linda B. Riegler, Matthew M. McArthur appearing on
6 behalf of Secured Creditor.

7 The court having duly considered the papers and pleadings on file herein and
8 being fully advised thereon and finding cause therefor:

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

10 The automatic stay of 11 United States Code section 362 is hereby immediately
11 terminated as it applies to the enforcement by Movant of all of its rights in the real property
12 under the Note and Deed of Trust encumbering the real property commonly known as 2607
13 Dirleton Pl, Henderson, Nevada 89044 ("Real Property"), which is legally described as:

14 SEE LEGAL DESCRIPTION ATTACHED
15 HERETO AS EXHIBIT ONE AND MADE A
16 PART HEREOF .

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or
18 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale
19 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days
20 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at
21 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the
22 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada
23 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to
24 provide 7 days' notice to the Debtor(s).

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26 ///

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28 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may
2 offer and provide Debtor with information re: a potential Forbearance Agreement, Loan
3 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and
4 may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to
5 enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this
6 bankruptcy case.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of
8 this Order, the Trustee shall cease payment on Secured Creditor's Proof of Claim. Secured
9 Creditor's Proof of Claim is allowed in the amount of payments made to date by the Trustee.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
11 disposition of the Real Property, Secured Creditor may amend said Proof of Claim and share in
12 any distribution from the date of the filing of the amended Claim pursuant to the confirmed Plan.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee is
14 not required to recover previous distributions from other creditors for distribution on Secured
15 Creditor's amended claim. This may result in a percentage of payment on Secured Creditor's
16 amended Claim different than to other creditors.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall
18 be binding and effective and supersede any subsequently entered confirmation order that
19 confirms a Chapter 13 Plan of Reorganization providing for the treatment of Movant's claim.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that following
21 entry of this Order, Secured Creditor must record a Notice of Default prior to proceeding with
22 any foreclosure action and otherwise comply with Nevada Revised Statutes section 107 if
23 applicable. The Notice of Default must be recorded prior to proceeding with any foreclosure
24 action notwithstanding any prior-recorded Notice of Default.

25 APPROVED/DISAPPROVED APPROVED/DISAPPROVED

26
27 _____
GEORGE M. DINGLER
DEBTOR

27 _____
RICK A. YARNALL
TRUSTEE

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

☐ Approved.

☐ Disapproved.

☒ Failed to respond. – Debtor/Trustee

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Submitted by:

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